

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Customer Number: 20277
Masahiro KUROSAWA, et al. : Confirmation Number: 3115
Application No.: 10/720,758 : Group Art Unit: 3624
Filed: November 25, 2003 : Allowed: October 30, 2009
Examiner: Scott L. Jarrett
:
For: METHOD AND SYSTEM FOR MANAGING LOAD BALANCING BASED ON
SERVICE LEVEL OBJECTIVES AND INFORMATION ON THE CONTENTS OF
START AND FINISH PROCESSES OF BUSINESS SERVICES

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the October 30, 2009 Notice of Allowability regarding the above-identified application. Although Applicants agree that the claims are patentable over the art, entry of the Statement into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the stated reasoning, particularly to the extent that wording used in the Statement differs from the actual claim language and/or the otherwise proper interpretation of the respective different independent claims.

The Statement, refers to a system and method, and then it sets forth a single rationale for patentability with respect to all of the allowed claims, but in so doing, the Statement quotes substantially all of the step recitations from independent method claim 1. However, there are

actually three different independent claims, method claim 1, system claim 9 and medium/program claim 17, and there are differences in the wording of those three independent claims.

The patentable language of the allowed claims is already of record in the case and is adequately clear. Repetition of language from one claim in the Statement adds nothing substantive to the record. Furthermore, the claims differ as to language and scope. It is submitted that each claim is independently patentable in its own right, not just for one general reason as suggested by the Statement, and the Statement should not create any narrowing interpretation or estoppel with regard to any of the allowed claims or any of the recitations contained in the allowed claims.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants' prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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